

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re

Involuntary Chapter 7

DiNaso Staten Island, LLC

Case No.

Debtor.

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**STATEMENT IN SUPPORT OF INVOLUNTARY PETITION AND PARTIAL WAIVER  
OF CLAIM OF PETITIONING CREDITOR**

To The Honorable Judge Presiding in  
the United States Bankruptcy Court,  
Eastern District of New York:

Santander Bank, N.A. petitioning creditor ("Petitioning Creditor") in this involuntary  
Chapter 7 case, hereby represents and alleges as follows:

1. Upon information and belief, DiNaso Staten Island, LLC (the "Involuntary Debtor") has less than twelve (12) creditors.

2. The Involuntary Debtor owes Petitioning Creditor, as of the filing date, \$8,111,728.48 ("Indebtedness") which Indebtedness is secured by substantially all of the assets of the Involuntary Debtor.

3. Petitioning Creditor believes, after due inquiry, that the assets of the Involuntary Debtor are insufficient to satisfy Petitioning Creditor's claim against the Involuntary Debtor and that, therefore, Petitioning Creditor is under secured.


4. However, to the extent that there is any question that Petitioning Creditor is not a qualified creditor pursuant to § 303(b) of the Bankruptcy Code with respect to the secured/under secured status of its claim, it hereby waives its right to its security interest in any assets of the Involuntary Debtor in the amount of, but not more than, \$15,330.

5. Therefore, there is an aggregate of unsecured claims of not less than \$15,330, which amount exceeds the requirements of § 303(b) of the Bankruptcy Code.

Dated: Princeton, New Jersey  
January 22, 2015

SANTANDER BANK, N.A.

By:

  
John Giangrossi  
609 Alexander Road, 2nd Floor  
Princeton, NJ 08540